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An opposing view

Protect the USA; enforce espionage law

WASHINGTON — Few subjects engender more tendentious ax-grinding or self-serving persiflage, particularly in the media, than "freedom of the press." Let's get back to basics.

Our nation's security depends on our intelligence capabilities, on which our very survival could easily hinge.

For any nation, no intelligence capabilities are more important than those relating to its ability to intercept and understand other nations' communications, especially their encoded or enciphered communications.

These essential intelligence capabilities are perpetually vulnerable.

Any hint or suspicion of their concrete use could easily cause the loss of the capability involved, because any nation can quickly and permanently change any codes or communications procedures it thinks might be compromised or insecure — thus blinding foreign eyes that may be reading those particular messages.

In 1950, for precisely those reasons, Congress passed a tightly drafted law specifically designed to protect the USA's communications intelligence capabilities. Section 798 of the U.S. Code's Title 18 was enacted with little debate in the House, none in the Senate, and with the support of the American Society of Newspaper Editors — which did not then consider the media above the law, as it apparently does today.

As Supreme Court Justice Byron White authoritatively explained in his 1971 concurring opinion in the Pentagon

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Papers case, Section 798 "in precise language, proscribes knowing and willful publication of any classified information concerning the cryptographic systems or communication intelligence activities of the United States as well as any information obtained from communication intelligence operations. . . . Newspapers are presumably now on full notice of the position of the United States and must face the consequences if they publish."

As director of central intelligence, William Casey has a statutory obligation to protect U.S. intelligence sources and methods. On two recent occasions, he has pointedly and publicly directed the media's attention to Section 798; but in doing so, he simply reiterated and underlined what White said from the Supreme Court bench 15 years ago.

The First Amendment rights of those in the media do not absolve them of their obligations as citizens, including their obligation to obey the law.

For 36 years, we have had on the statute book a valid law carefully drafted to address a problem and danger important to us all. That law should be enforced — against anyone who ignores or breaks it.